IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL REVISION APPLICATION NO.352 OF 2007

Smt.Taibai Vithoba Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

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WITH

CIVIL REVISION APPLICATION NO.353 OF 2007

Shri Mahandu Maruti Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

...

CIVIL REVISION APPLICATION NO.354 OF 2007

Anand Vithoba Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

...

CIVIL REVISION APPLICATION NO.355 OF 2007

Shri Sakharam Bhagoji Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

...

Mr.Uday P. Warunjikar for the applicants.

Ms G.P.Mulekar, Asstt. Govt. Pleader for the respondent.

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CIVIL REVISION APPLICATION NO.356 OF 2007

Shri Raoji Shantu Shirke : Applicant

V/s.

The State of Maharashtra : Respondent

...

CIVIL REVISION APPLICATION NO.357 OF 2007

Shri Jagannath Shivram Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

...

CIVIL REVISION APPLICATION NO.358 OF 2007

Shri Dhondiba Bhagoji Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

...

CIVIL REVISION APPLICATION NO.359 OF 2007

Shri Jayram Tulyeba Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

...

CIVIL REVISION APPLICATION NO.360 OF 2007

Shri Jagannath Dhondiram Shirke : Applicant

V/s.

The State of Maharashtra : Respondent

...

Mr.Uday P. Warunjikar for the applicants.

Mr.B.H.Mehta, Asstt. Govt. Pleader for the respondent.

CIVIL REVISION APPLICATION NO.361 OF 2007

Shri Pandurang Maruti Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

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CIVIL REVISION APPLICATION NO.362 OF 2007

Shri Raghunath Ramchandra Koli : Applicant

V/s.

The State of Maharashtra : Respondent

...

CIVIL REVISION APPLICATION NO.363 OF 2007

Shri Arjun Bhimrao Shirke : Applicant

V/s.

The State of Maharashtra : Respondent

...

CIVIL REVISION APPLICATION NO.364 OF 2007

Shri Kisan Bapu Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

...

Mr.Uday P. Warunjikar for the applicants.

Mr.K.K.Tated, Asstt. Govt. Pleader for the respondent.

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CIVIL REVISION APPLICATION NO.365 OF 2007

Shri Dhondiba Maruti Jadhav : Applicant

V/s.

The State of Maharashtra : Respondent

CIVIL REVISION APPLICATION NO.366 OF 2007

Sou. Lilabai Sakharam Kadam : Applicant

V/s.

The State of Maharashtra : Respondent

...

AND

CIVIL REVISION APPLICATION NO.367 OF 2007

Sakharam Krishna Shirke : Applicant

V/s.

The State of Maharashtra : Respondent

...

Mr.Uday P. Warunjikar for the applicants.

Mr.S.N.Gawde, Asstt. Govt. Pleader for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : OCTOBER 11, 2007.

P.C.

1. Having heard the parties for some time, it seems that it is appropriate in the interest of justice to set aside the impugned order by which the applicants' applications under section 18 have been rejected on the ground of non-payment of Court fee within the time stipulated by the Collector.

2. Mr.Uday Warunjikar, the learned counsel for the applicants, has relied on the decision of the Supreme Court in Kashi Ram v. State of Maharashtra (1996 (1) Mh.L.J. 652) wherein the Supreme Court has observed that the Land Acquisition Act is a self-contaiend Code and it does not speak of payment of any Court fee. Their Lordships further observed that the owner or person interested is not enjoined under law to pay any Court fee on the application made under section 18(1) seeking reference for determination of the compensation by the civil Court. In the circumstances, it would be appropriate to set aside the impugned order and direct the Collector to consider the application for reference, in accordance with law, after the applicants have made the requisite Court fee. Mr.Warunjikar, the learned counsel for the applicants, states that the applicants shall pay necessary Court fee within a period of eight weeks from today.

3. The learned Asstt. Govt. Pleader, however, submits that the applications for reference are barred by limitation. That is a matter which has neither been raised nor decided before the Collector. The Collector shall be free to decide the question.

4. The Civil Revision Applications are allowed in the above terms.

S.A. BOBDE, J.